

CITY OF IDAHO FALLS  
BOARD OF ADJUSTMENT  
P.O. BOX 50220  
IDAHO FALLS ID 83405-0220  
(208) 612-8276

**January 14, 2010  
12:15 p.m.**

**City Annex Building, Council Chambers  
680 Park Avenue**

**Members Present:** Stephanie Austad; Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Richard Lee; and Kendall Phillips.

**Members Absent:** James Wyatt.

**Staff Present:** DaNiel Jose, Current Planner; and Debra Petty, Recording Secretary.

**Also Present:** The applicant and approximately 3 interested citizens.

**Changes to Agenda:** None.

**Call to Order:** The meeting was called to order at 12:15 p.m. by Acting Chair Cordova.

**Minutes:** **November 19, 2009**

Alex Creek arrived at the meeting.

**Motion by Latin, seconded by Austad to approve the minutes of November 19, 2009, with the following corrections:**

**Page 3, Strike “extra” motion under Business and note Steve Davies abstained from approving the Findings of Fact and Conclusions of Law for 243 Alturas as he was not at the meeting.**

**Motion passed 7, 0, 0.**

**Public Hearings:** **Variance Request  
Lot 1, Block 4, Old Fashion Way  
2344 Plaza Street**

Jose described the request as outlined in the staff report, part of the public record. She noted the following in regard to the project:

- The request is for a reduction to the east side setback from 30-feet to 20-feet.
- The structure was brought to the attention of staff through a citizen complaint.
- Upon review of the structure, the building inspector found it to be constructed without a permit.
- The new vinyl fence was constructed without a permit.
- The new garage is 20-feet from the sidewalk and lines up with the front of the home but does not fully extend all the way to the rear of the home.
- The property is larger than most in the neighborhood as it is a corner lot.
- The need for a variance is a creation of the owner.
- It is not known if the structure meets building code requirements.
- Staff recommends denial of the request for a variance as it does not meet the criteria for approval.
- Should the Board approve the request, staff recommends the applicant obtain a building permit for both the fence and the building, and provide proof of the structural integrity of the addition through design, including the footings and foundation, truss design and cross sections.

Davies asked what the average lot size is in the neighborhood. Jose said the minimum lot size in an R-1 zone is 6,000 square feet. This lot is larger by at least 10% as it is a corner lot.

Cordova opened the hearing to public comment.

**Maureen Illum**  
**2344 Plaza Street**  
**Idaho Falls, ID**

Mrs. Illum read a statement and is entered into the record as Exhibit "A". In general, she is asking leniency from the Board as it is believed their property meets the intent of a number of codes per her statement. She stressed that many neighbors have commented on how nice the addition looks. They believe it is not detrimental to the neighborhood and the City Building Code would not be compromised.

Mrs. Illum said there are two homes at the corner of Grandview and Calico appear to have a setback of only 20-feet.

**Douglas Illum**  
**2344 Plaza Street**  
**Idaho Falls, ID**

Mr. Illum said the original complaint was in regard to the fence obstructing line of sight at the corner. In response to Davies, he said the foundation is concrete slab, the roof was tied into the edge of the house consisting of 2x4's with 1" facing, and that he constructed the garage.

**Maureen Illum**  
**2344 Plaza Street**  
**Idaho Falls, ID**

Mrs. Illum said the concrete slab is down far enough to be level and has a gravel/sand base reinforced with rebar and wire mesh.

**Derk Anderson**  
**778 Buckboard**  
**Idaho Falls, ID**

Mr. Anderson is a neighbor to the northeast and has a direct view of the Illum property. He appreciates the care and attention to detail they gave to the addition. They have violated some rules and codes that they must answer for, but is supportive of their request for a variance. He does not believe the fence impacts the view of the street for motorists. He said the fence has already been vandalized with graffiti and they quickly removed it at their expense.

**Douglas Illum**  
**2344 Plaza Street**  
**Idaho Falls, ID**

Mr. Illum presented a letter dated January 13, 2010 from Larry K. Friedman and is entered into the record as Exhibit "B". Mr. Illum told Phillips that he doesn't dispute items 1 and 2, but disagrees with item 3. The addition is not harmful to the neighborhood.

Cordova reminded boardmembers that the variance is not for the fence.

Cordova closed the hearing to public comment.

Discussion by the Board:

Jose said the fence does meet the requirements of the ordinance, but citizens of the City are required to get a fence permit. She said the Clear Site Triangle is a straight line 15-feet back on each side from an intersecting point at the corner and must remain unobstructed.

Cordova reminded the Board although the applicant did not get a permit for the fence, the issue is not the fence. He asked comments be restricted to the addition.

Davies believes the garage is a nice addition, but the criteria must be satisfied and the applicant is unable to do so. Even if there was something unique about the property, the City has concern about the design and methods of construction. His fear is that it will not meet the building code in regard to the foundation, frost wall, and snow load.

Latin is concerned with setting precedence. Lee said variances to the setbacks have been granted in this area of town, but it is not just the setback that is of concern. Jose said the applicant will be required to provide proof of structural integrity and reinforce or remove the structure. Although Jose did a general review of the homes close to the Illum property and did not see any that did not meet the setback requirements, she did not travel as far as the corner of Grandview and Calico.

**Motion by Phillips, seconded by Davies to deny the request for a variance to reduce the required setback from 30-feet to 20-feet as the site does not meet the required criteria: although it is believed the addition is not detrimental to the neighborhood the property is not unique, and the need for a variance is the creation of the owner.**

Cordova clarified that a “yes” vote is in favor of the motion to deny the variance and a “no” vote means that you are not in favor of the motion.

**Aye:** Stephanie Austad; Steve Davies; Hal Latin; and Kendall Phillips.

**Nay:** Alex Creek; Richard Lee; and Jake Cordova.

**Abstain:**

Jose informed the applicant(s) that they have the right to appeal the decision of the Board by appealing to City Council.

**Business:**

**Election of Officers:**

Cordova made an executive decision to have Austad and Davies form a nomination committee and be prepared with recommendation of officers for the next meeting.

**Adjourn:**

Meeting adjourned at 12:40 PM.

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Debra Petty, Recording Secretary  
Board of Adjustment